

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**
(Final Minutes)

ZONING BOARD OF APPEALS HEARING

Tuesday, November 17, 2020

Chairperson Peg Pollitt called the Hearing of the Village of Fontana Zoning Board of Appeals to order at 3:33 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Board of Appeals members present: Roll call vote: Derek D’Auria, Peg Pollitt, Ron Nyman, Curtiss Behrens

Also present: Lynette Kuelczo, Steven Kuelczo, Elieser Salunga, Bonnie Schaeffer, Stephanie Smith

Business

Approval of Minutes

The minutes were distributed to Board Members via email.

D’Auria/Behrens 2nd made a MOTION to approve the minutes from June 23, 2020, July 30, 2020, August 18, 2020, September 15, 2020 and October 21, 2020, and the MOTION carried without negative vote. Ron Nyman abstained.

Consider Action: Adopting Amended Rules and Procedures

Chairman Pollitt stated these are the Rules and Procedures that were tabled at the meeting on October 21, 2020 to allow the Board time to review.

Behrens/D’Auria 2nd made a MOTION to Adopt Resolution 11-17-20-1, Amended Rules and Procedures as presented, and the MOTION carried without negative vote.

Public Hearing for Zoning Permit Application Filed by Steven and Lynette Kuelczo, 2765 Castlewood Court, Aurora, IL 60504 for approval of a residential addition at N1539 Sybil Lane, Parcel No. ICA00039, located within the extraterritorial zoning area of the Village, which was denied by the Village of Fontana Zoning Administrator on August 24, 2020 due to noncompliance with zoning code section 18-371.

Attorney Thorpe took a few minutes to review the rules and procedures for the Zoning Board of Appeals Members. The public hearing was opened at 3:46 pm. The one-page letter of denial from Zoning Administrator Bonnie Schaeffer dated August 24, 2020 was labeled as Village Exhibit No. 1. The two-page staff review dated November 10, 2020 was labeled as Village Exhibit No. 2. Zoning Administrator Bonnie Schaeffer stated she received the zoning permit application from Steven and Lynette Kuelczo on August 6, 2020 and it was denied on August 24, 2020 due to non-compliance of zoning ordinance section 18-371. The applicants are looking to add a detached garage and residential addition to the existing home on the property. The proposed detached garage has no bearing on the hearing today. Schaeffer stated that in reviewing the extraterritorial zoning ordinances, any non-conforming parcel requires a minimum rear yard setback of twenty-five feet. The proposed addition is fifteen point five feet from the rear lot line. Schaeffer stated in her letter of denial she explained the applicants can choose to do nothing, resubmit a proposed construction plan that meets all requirements of the zoning district the property is located in or appeal the decision and seek a variance by approval of the Village of Fontana Zoning Board of Appeals. The applicants choose to appeal the decision and submit a variance application. Applicants Steven and Lynette Kuelczo were

present, and Steven stated they have owned the lot for eight years and the existing structure is currently unlivable. Kueltzo explained they are looking to construct a modest addition with no basement, so they are not disrupting any water flow. The eleven-page variance application was labeled as Applicant Exhibit No. 1. The four pages of plans from the architect dated September 14, 2020 was labeled as Applicant Exhibit No. 2. The eight letters from neighboring property owners regarding the variance application were labeled as Applicant Exhibit No. 3. Kueltzo stated the house is not livable due to being abandoned for many years and currently an eye sore on Sybil Lane. The applicants have faced potential fines for not taking care of the property and following beautification rules. Elieser Salunga, the builder was present and stated they have looked at many different scenarios for the proposed addition and the current plan resulted in the smallest variance that would be needed. The lots are sixty feet deep and that makes it particularly challenging to comply with all required setbacks and still be able to have a house that is usable. Chairman Pollitt questioned what the hardship is. Kueltzo stated the hardship is being able to build a house while complying with all setback requirements. Thorpe stated there is currently a house on the property and it could be rebuilt within the same existing footprint. Thorpe questioned where the hardship lies regarding the variance requested. Kueltzo explained the hardship is that the current house has no bedrooms or room for six people to live in and they are looking to add a modest addition so his family can utilize the house. William Bentley, N1540 Shorehaven, has some concerns about water run off with the addition. The public hearing was closed at 4:22 pm.

Behrens/Nyman 2nd made a MOTION to deny the requested variance for the property located at N1539 Sybil Lane, Fontana, WI., Tax Parcel No. ICA00039.

The Roll Call vote was as follows:

Pollitt – Aye

Behrens – Aye

D’Auria – Aye

Nyman – Aye

The MOTION passed on a 4-0 vote.

Behrens/D’Auria 2nd made a MOTION to authorize the Chairperson to sign written findings consistent with the decision made without further meeting, and the MOTION carried without negative vote.

Adjournment

Behrens/D’Auria 2nd made a MOTION to adjourn the Zoning Board of Appeals meeting at 4:27 pm, and the MOTION carried without negative vote.

Minutes prepared by: Stephanie Smith, Deputy Clerk/Treasurer

Note: These minutes are subject to further editing. Once approved by the Zoning Board of Appeals, the official minutes will be on file at the Village Hall.

Approved: 09/29/2021